

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT BESEDIN, SR.,

Plaintiff,

-against-

**DEFENDANTS' STATEMENT
OF UNDISPUTED MATERIAL
FACTS PURSUANT TO
LOCAL RULE 56.1**

Docket No.: 18-CV-0819 (NRM) (ST)

COUNTY OF NASSAU, NASSAU COUNTY POLICE
DEPARTMENT, POLICE OFFICER STEPHEN
BECKWITH AND POLICE OFFICER JOHN
MANTOVANI, in their individual and
official capacities,

Defendants.
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Defendants County of Nassau, Nassau County Police Department, Police Officer Stephen Beckwith, and Police Officer John Mantovani, by their attorneys, SOKOLOFF STERN LLP, hereby submit the following statement, pursuant to Local 56.1, of which they claim there are no genuine issues of material facts to be tried.

1. Defendant Police Officer Stephen Beckwith was at all times a police officer with the Nassau County Police Department.
2. Defendant Police Officer Dominick Montovani i/s/h/a John Mantovani was at all times a police officer with the Nassau County Police Department.
3. Between approximately 1:34 pm and 6:00pm on February 7, 2017, Plaintiff called 911 over twenty times from his residence at 2150 Harrison Avenue in Baldwin, New York. (Exhibit. D; Exhibit E; Exhibit. F; and Exhibit G.)
4. Officers Montovani and Beckwith were initially dispatched to plaintiff's home to

respond to a burglary report. (Exhibit. H at pp. 27; Exhibit. I at pp. 41-45)

5. Neither officer had ever met plaintiff before. (Exhibit H at pp. 27 and 34; Exhibit I at p. 59)

6. Thereafter, Officers Montovani and Beckwith were dispatched to plaintiff's home several more times that day in response to plaintiff's repeated calls to 911. (Exhibit. H at 32; Exhibit. I at p. 59; and Exhibit. J)

7. Throughout the course of these numerous phone calls plaintiff became increasingly irate and belligerent, often cursing and yelling at the 911 operators. (Exhibit D; Exhibit E; Exhibit H at pp. 27, 32-35, 44, 47, 53 and 55; and Exhibit I at pp. 41-45, 59, and 61-63)

8. Each time Officer Montovani and Beckwith responded to plaintiff's home he appeared to be increasingly irate, belligerent, aggressive, and intoxicated. (Exhibit H at pp. 33-34, 64, 68, and 71-72 and Exhibit I at pp. 59-70)

9. Plaintiff continued to call 911 and continued to yell and curse at the operators, at one point stating that he was going to "make an emergency" and that advising the officers that they would "see something happen." (Exhibit D, Track 170063414 911 Call 2 and Exhibit E)

10. Officers Montovani and Beckwith were dispatched to respond to a harassment in progress because plaintiff had been yelling at and threatening the 911 operators. (Exhibit. H at pp. 44 and Exhibit. I at pp. 59-63).

11. Plaintiff was advised that if he continued to call 911 and yell at the operators, he would be arrested for harassment. (Exhibit D at Track 170063414 911 Call 6 at 3:52-4:25; Exhibit. E at p. 5, Exhibit. H at p. 62; and Exhibit. I at pp. 62-63)

12. Plaintiff continued to call 911 and continued to yell and curse at the operators (Exhibit D and Exhibit E)

13. At approximately 6:50pm Officers Montovani and Beckwith were dispatched to plaintiff's home again. (Exhibit H at p. 47)

14. Upon returning to plaintiff's home, Officers Montovani and Beckwith spoke with plaintiff on his porch. During the conversation plaintiff was yelling, cursing, and hitting the front door. (Exhibit H at pp. 64, 68, and 71-72 and Exhibit I at pp.65-70)

15. Eventually, Officer Beckwith pointed at plaintiff and told him to go back inside his home. (Exhibit H at pp. 81 and 85 and Exhibit I at p. 74)

16. Plaintiff then smacked Beckwith's hand down. (Exhibit. H at pp. 80-81 and Exhibit I at pp. 71, 74-75)

17. At that point, the officers placed plaintiff under arrest. (Exhibit H at pp. 81-83 and 88; Exhibit I at p. 77).

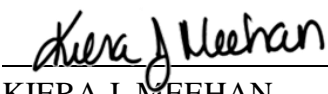
18. While attempting to place plaintiff in custody, Officer Montovani sustained an injury to his left ankle for which he was treated in the emergency room of Mount Sinai South Nassau. (Exhibit H at p. 127-128; Exhibit I at p. 83-84, 110; and Exhibit N).

19. Plaintiff was charged with Assault in the Second Degree, Harassment in the Second Degree, and Resisting Arrest. (Exhibit K).

20. Plaintiff retained legal counsel and after appearing in court on one occasion, the charges were dismissed. (Exhibit L at pp. 48-50)

Dated: Carle Place, New York
October 6, 2023

SOKOLOFF STERN LLP
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TO:

All counsel of record (via email)